



# **FREDERICK COUNTY PLANNING COMMISSION**

**September 13, 2013**

---

**TITLE:** Yeager Preliminary Subdivision Plan,  
Section 5, Lots 4, 5, 6

**FILE NUMBER:** S-871, AP #13552  
(FRO 13240)

**REQUEST:** Preliminary Plan Approval  
The Applicant is requesting Preliminary Plan approval for  
3 residential single family lots on a 5.1-acre site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** Located on the southwest side of Yeagertown Road, north of Old  
National Pike.  
**TAX MAP/PARCEL:** Map 79, Parcel 9  
**COMP. PLAN:** Low Density Residential  
**ZONING:** R-1 Residential  
**PLANNING REGION:** New Market  
**WATER/SEWER:** W-5, S-5

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Frall Developers, Inc.  
**OWNER:** Frall Developers, Inc.  
**SURVEYOR/ENGINEER:** VanMar Associates, Inc.  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Tim Goodfellow

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS:**

EXHIBIT 1- Preliminary Plan Rendering

## STAFF REPORT

### ISSUE

The Applicant is requesting preliminary plan approval for three (3) residential single family lots on a 5.19-acre site.

This application will create the 4<sup>th</sup> and 5<sup>th</sup> new lot off the original parcel since 1965 (Lot 6 is considered a remainder parcel/lot) and is therefore a minor subdivision. The Preliminary Plan process, including Planning Commission approval, is required due to the necessary water and sewer reclassification as the Applicant is proposing to serve the lots with public water and sewer.

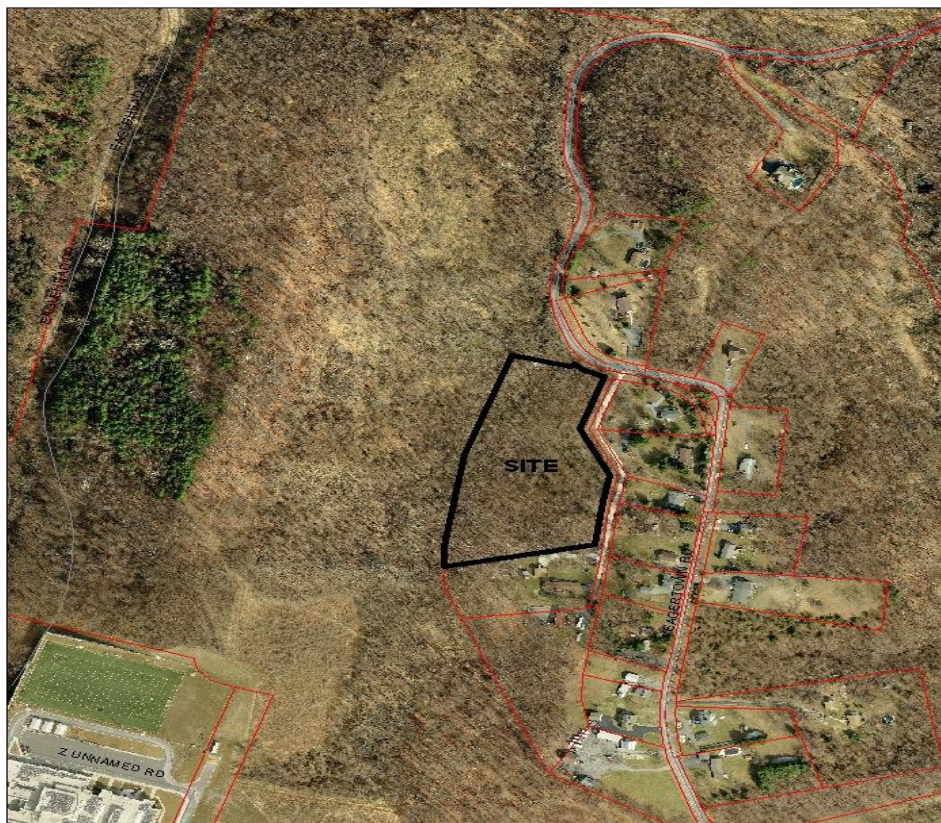
### BACKGROUND

This 3-lot subdivision is being proposed on a 5.19-acre remainder parcel which was created after Section IV of the Yeager Subdivision, which includes lots 1, 2, and 3, was recorded in 1983.

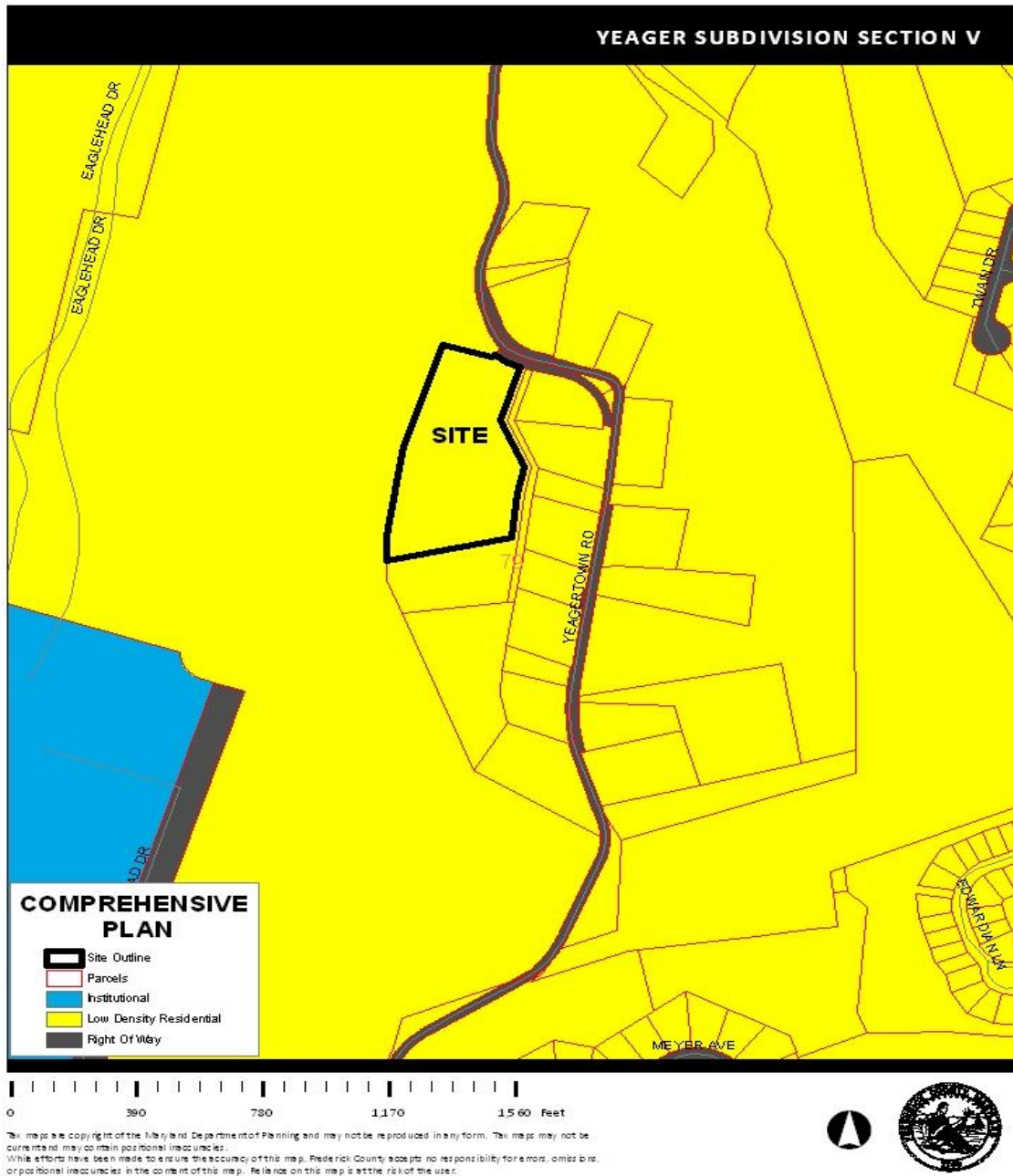
#### Existing Site Characteristics

The site is fully wooded and contains a stream system on the western edge that flows into an un-named tributary of Lake Linganore. The subject property is adjacent to the future Linganore Town Center on the west and north sides and is located on the opposite side of Yeagertown Road from the recently-approved 31-lot Supply to Barren residential subdivision.

#### DEVELOPMENT SITE AND SURROUNDINGS



# COMPREHENSIVE PLAN



# ANALYSIS

## A. SUBDIVISION REGULATION REQUIREMENTS

Review and approval of the proposed Preliminary Plan is subject to subdivision regulations as provided in §1-16 of the Frederick County Code.

1. ***Land Requirements §1-16-217 (A):*** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements for development within the R-1 zoning district.

2. ***Land Requirements §1-16-217 (B):*** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site is fully wooded and contains a stream system on the western edge that flows into an unnamed tributary of Lake Linganore. The western boundary of the subdivision contains flooding soils and wet soils that run the length of lots. The proposed Preliminary Plan includes a waterbody buffer, flooding soils buffer and forest conservation easement that identify the boundaries of these natural features. Staff notes that no development on the portion of the lots that contain flooding soils is permitted unless approved through Section 1-19-9.110(B)(7) of the Zoning Ordinance.

The configuration of the lots and subsequent house placement are oriented along a north/south axis, similar to the existing lots in the prior sections of the subdivision. The stream valley and waterbody buffer will be maintained in their existing forested condition and preserved through the Forest Resource Ordinance. The site design adequately addresses site topography, wooded areas, soils, and the stream system.

3. ***Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):*** *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas. (b) If residential lots are proposed within "wet soils" then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.*

Wet soils are located within the stream valley present on the western portion of the site. This wet soils area and the 100-foot buffer fall within the proposed Forest Resource Ordinance easements or on the rear portions of lots. However, the proposed house location on Lot 6 falls within 100 feet of the wet soil. A soils delineation report for the area surrounding this lot has been submitted and an appropriate note added to the Preliminary Plan indicating future construction on Lot 6 will be in conformance with recommendations contained in the Geotechnical Report.

4. ***Road Access Requirements. Public Facilities §1-16-12 (B)(3)(a):*** *For minor subdivisions, lots*

*must access a publicly-maintained road with a 16-foot travelway with adequate horizontal and vertical sight distance that allows 2 vehicle passability.*

The proposed lots will access, via a 16-ft. common driveway, Yeagertown Road, which is a publicly-maintained roadway with a varying pavement width of 16 - 20 feet as shown on the Preliminary Plan. The proposed panhandle/common drive intersection with Yeagertown Road has been found to have adequate sight distance by the Applicant. The required 50-ft right-of-way for Yeagertown Road along the property's frontage was previously dedicated to public use as part of the approval and recordation of Lots 1 and 2, Section IV, of Yeager Subdivision in 1983.

- 5. Lot Size and Shape. §1-16-219:** *The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.*

The proposed subdivision is located on property zoned R-1 residential. As provided in Section 1-19-6.100 of the Zoning Ordinance, the minimum design requirements in the R-1 residential zoning district are: 40,000 square foot minimum lot size, 100 foot minimum lot width, 40 foot front setback, 30 foot rear yard setback, 10 foot side yard setback, and a 30 foot maximum structure height for single family residential development.

All of the proposed lots meet the minimum 40,000 square foot (0.92 acres) lot size requirement. Lot sizes are 1.27 acres (lot 5), 1.37 acres (lot 4), and 2.53 acres (lot 6), with an average lot size of 1.72 acres. The required front, rear, and side setbacks are shown on the plan and meet the Zoning Ordinance requirements.

As noted in section 1-16-219(C) of the Subdivision regulations, panhandle lots are permitted in minor subdivisions. Lots 4 and 5 propose a design that utilizes panhandle access to Yeagertown Road. Lot 4's panhandle is 20 feet in width, but the panhandle/lot area widens to 45 feet as it approaches and meets Yeagertown Road. This expanded panhandle/lot was designed to capture the original parcel's full frontage on Yeagertown Road. Lot 5 is served by a 15-foot panhandle.

A 16-ft. paved common access easement is proposed within these panhandles to serve Lot 4, 5 and Lot 6. The common easement includes two (2) grassed shoulders, 8 feet in width, on both sides to provide stormwater quality treatment. Lot 6 has frontage on Yeagertown Road, but will utilize the aforementioned common access easement, due to driveway spacing constraints on Yeagertown Road.

- 6. Water and Sewer Facilities. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a water and sewer classification of W-5, S-5 and must utilize public facilities. Preliminary subdivision plan approval is one of the requirements for a property to obtain the proper water and sewer classification for connection to the public system as specified in the County's Water and Sewerage Plan. The property is served by the Ballenger-McKinney Wastewater Treatment Plant and the New Design Water System, through extensions/and or enlargements of existing water lines in the nearby Greenvue PUD. Public water and sewer service to this property is dependent upon construction of the infrastructure approved for the adjacent Supply to Barren subdivision.

## **Subdivision Regulation Requirements Findings/Conclusions**

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are complied with.

### **B. OTHER APPLICABLE REGULATIONS**

#### ***Forest Resource Ordinance – Chapter 1-21:***

A Preliminary/Final FRO plan has been reviewed and conditionally approved. The site contains 5.91 acres of forest. The Applicant proposes to meet the FRO requirements by protecting 2.13 acres of existing forest. The FRO plan must be approved prior to final Preliminary Plan approval and FRO mitigation provided prior to application for grading permits, building permits, or lot recordation, whichever occurs first.

#### ***Public Water and Sewer:***

A Water and Sewerage Plan amendment is required for the property in order to make ultimate connection to the public systems in the future; however, public water and service to this property will not be available until the infrastructure is constructed for the adjacent Supply to Barren subdivision. At that time, extension of the planned 8-inch water line and 8-inch sewer line will be required to serve the subject property.

Future plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article, Section 9-512 and all applicable County regulations, including, but not limited to, Section 1-16-106 of the Frederick County Subdivision Regulations.

#### ***Stormwater Management – Chapter 1-15.2:***

Stormwater Management will be provided in accordance with the Maryland Stormwater Act of 2007. A Stormwater Concept Plan must be approved prior to final Preliminary Plan approval.

#### ***APFO – Chapter 1-20:***

These two new lots and the remainder lot are among the first five (5) lots to be created since the adoption of the APFO in 1991, and are exempt from the APFO per Section 1-20-7(B). Any future subdivision of this parcel will be subject to APFO testing and possible mitigation.

### **Summary of Agency Comments**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Development Review Engineering (DRE):</i></b>	Approved per compliance with drafting note for final Preliminary Plan submitted for approval and final approval of Stormwater Concept Plan.
<b><i>Development Review Planning:</i></b>	Address final FRO issues prior to final Preliminary Plan approval. Water/Sewerage Plan amendment required to reclassify property for future service provision
<b><i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i></b>	Conditional Approval. Address notes for final Preliminary Plan approval. Water/Sewer service to property dependent upon water/sewer infrastructure construction for adjacent Supply to Barren subdivision.
<b><i>Health Dept.</i></b>	N/A.
<b><i>Office of Life Safety</i></b>	Approved
<b><i>Traffic Engineering</i></b>	Approved



## **RECOMMENDATION**

Staff has no objection to conditional approval of the Preliminary Plan.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, and FRO requirements. Should the FcPc grant approval of this application (S-871, AP 13552), the following items to be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Preliminary Plan is valid for five (5) years from the date of FcPc approval. Therefore, the Preliminary Plan approval expires on September 13, 2018.
3. A Water and Sewerage Plan amendment is required and associated infrastructure improvements made in order to connect to the public systems.
4. All common driveways must be constructed prior to lot recordation.
5. FRO mitigation must be provided prior to lot recordation, grading permit application, or building permit application, whichever occurs first.
6. A Stormwater Management Concept Plan must receive approval prior to final Preliminary Plan approval.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE S-871 (AP 13552) with conditions** as listed in the staff report for the proposed preliminary plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

